

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
DECEMBER 13, 2002**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on December 13, 2002. The meeting was tape recorded and the tape is on file at the ABC Commission/Legal Division.

**ROLL CALL**

Acting Chair Ann Scott Fulton was present for the meeting, along with Commission Member Ricky Wright. Commissioner Mike Joyner was unable to attend.

**MINUTES OF DECEMBER 13, 2002 MEETING**

The Chairman asked Commission Member Ricky Wright if he had any corrections or additions regarding the Commission Agenda for the November 8, 2002, meeting. Commissioner Wright had no corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Seconded by Commissioner Wright. So Ordered.

**EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST**

As required by Executive Order Number One, the Chairman asked Commissioner Wright if there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the Agenda. The Chairman stated she found no conflicts of interest with regard to herself. Commissioner Wright stated he had reviewed the agenda and found no conflicts of interest.

**HEARING CASES - 95 listed.**

Chief Deputy Counsel Fred Gregory was in CLE class today. Assistant Counsel LoRita Pinnix stated that David Przywara, the owner of Crazy D's, case # 6, was present to speak on half of his establishment. Mr. Przywara stated that with regard to the first violation he was probably drinking, but he couldn't remember. And that he wasn't aware that he had broken any laws by drinking and Dee Jaying. He also stated that with regard to the second violation he had been drinking, but that was earlier in the day and it wasn't at the bar and that he wasn't working. He had gone home, but was called back by the manager because some bikers, "Hell's Angels", were there and they have a reputation for being rowdy. Mr. Przywara went back to his club, went to his office to discuss with a friend of his that used to be a former member of one of these gangs, as what he should do. After talking with his friend, Mr. Przywara, approached the leader of the gang, bought him a few drinks and solved the situation. Mr. Przywara stated that

when the ALE agents came into his bar, he told them that he was not running the business, his manager was that night. Mr. Przywara stated that was the reason why he broke the law. The chairman stated that by being the owner of the business, the State couldn't allow the owner to supervise the business and be drinking. Mr. Przywara stated again that he was Dee Jaying and had been drinking, but he wasn't aware that it was wrong. Commissioner Wright made a motion to reduce the penalty to 20 days suspension, suspended upon payment of \$1,500.00, with no active time. Seconded by the Chairman. So Ordered.

Assistant Counsel Tim Morse stated that Brad King was present to speak on behalf of case #14, Il Sogno. Mr. King stated that he was a partner in the business and that he was helping the owners of the business. He was not looking for a return on the money that he had invested into the business. He was helping out a friend and his family to keep their business going, as this is their sole source of support. Mr. King stated that an employee bought alcohol from another source. He further stated that all the employees had been educated, so they knew better. Mr. King asked that the suspension and fine be suspended and to leave the violation. He also guaranteed that it wouldn't happen again. The Chairman made a motion to change the suspension to 30 days suspension, with the last 27 days suspended upon payment of \$1,500.00. Seconded by Commissioner Wright. So Ordered.

Attorney Glenn B. Lassiter, Jr. was present to speak on behalf of his client, case #4, Blowing Rock Market. Mr. Lassiter stated that his client, Mr. David Wray, the owner of the business, asked for leniency. Mr. Lassiter stated that his client was a well-known member of the community. He further stated that the employee that committed the violation was a new employee, had received some training and that the owner was working with her on the date of the violation. Mr. Lassiter stated that his client had been working with the employee when he saw the officer approach the building. Mr. Wray went to the door and spoke with the officer, he told the officer that he needed his training tape back, so he could further train his employees. The officer had been in possession of the tape for a couple of months and he told Mr. Wray that he would get the tape to him. While this was going on, an underage undercover person was in the store. The clerk sold the alcohol to the person. The clerk told the officer that she remembered him from high school and had thought that he was older than her and that was why she didn't check his license. The owner felt that if the officer had returned the tape, he could have better trained the employee and that this violation wouldn't have occurred. The Chairman asked how old the clerk was and Mr. Lassiter stated that she was 20 years old. The Chairman stated that she didn't feel compelled to reduce the penalty because the clerk should have checked the purchaser's identification.

#90 – Stoney's Café - Assistant Counsel LoRita Pinnix stated that the permits were already surrendered to the Commission and someone new was already in the business. The Chairman made a motion to ratify the Offer in Compromise. Seconded by Commissioner Wright. So Ordered.

There were two carry over cases to the January Commission meeting:

#45 - Fast Fare NC-622

#75 - Dockside Dolls of Wilmington

## **REMAINING OFFERS IN COMPROMISE**

The Chairman made a motion to accept all other offers in compromise with the exception of #6, #14, #45, #75 and #90, which had either been ratified earlier or continued. Seconded by Commissioner Wright. So Ordered.

- II. ABC Store Location – Wake County ABC Store Relocation - ABC Administrator Michael Herring presented information regarding an ABC store relocation in Raleigh, NC. ALE Assistant Supervisor Mark Senter with District IV conducted an investigation and found that the Wake county ABC Board would like to relocate from their current store at the Mini City Location to 3611 Spring Forest Road, Suites 118 &120, in Raleigh, NC. The proposed property is currently owned by JDR Property Corporation. The nearest church is one-tenth of a mile and the nearest school is seven-tenths of a mile from the proposed location. The sign regarding notice of intent to open an ABC store has been posted for 30 days in accordance with ABC Commission regulations. There is no conflict of interest. To date, no complaints had been received regarding the proposed ABC Store location. Mr. Herring made a recommendation to approve the location. The Chairman made a motion that the store relocation be approved, seconded by Commissioner Wright. So Ordered.

## **OTHER BUSINESS**

The Chairman set a new Commission Hearing date, May 9, 2003.

Assistant Administrator Doyle Alley stated that he had a waiver request to bring before the Commission. The waiver request was for Ms. Yong Ae Bryant. Mr. Dennis Guthrie was the attorney for Ms. Bryant, but was unable to appear before the Commission to speak on behalf of his client. Mr. Alley stated that Ms. Bryant is a permit holder and that She told her current attorney, Mr. Guthrie, that her previous attorney told her that the violation that had occurred “had been taken care of.” Mr. Alley further stated that there was a conviction in that case. Ms. Bryant then applied for permits for a new location and signed a sworn affidavit that stated that she had not had any convictions within the last two years. Mr. Alley stated that Ms. Bryant struggles with understanding the English language. She thought that the violation had been taken care of and wasn’t aware that she was making a false statement. Mr. Alley stated that if the waiver request was not granted, then her livelihood would be taken away. To grant the waiver request, she

would be able to “run the business”. Commissioner Wright asked Mr. Alley if that was her only violation. Mr. Alley stated that there was a previous violation. The Chairman stated that she didn’t know that the Commission could grant a waiver, but she would like to keep Ms. Bryant on her temporary permits for three more months and see whether she commits any more violations. Mr. Alley asked the Commission if they could rescind the rejection, keep the temps for three more months, then bring the waiver request back up at the April 2003 Commission to be reconsidered. The Chairman made a motion to keep the temporary permits for three months and rehear the request for waiver at the April 2003 Commission. Seconded by Commissioner Wright. So Ordered.

No other business, new or old, was heard. The Chairman made a motion to adjourn the meeting. Seconded by Commissioner Wright. So ordered.

With no further business, the meeting adjourned.

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Ann Scott Fulton, Acting Chair  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

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Tiffany C. Goodson, Legal Division